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(Original Signature of Member)

117TH CONGRESS  
1ST SESSION

**H. R.**

To improve health care and benefits for veterans exposed to toxic substances,  
and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. TAKANO introduced the following bill; which was referred to the  
Committee on \_\_\_\_\_

**A BILL**

To improve health care and benefits for veterans exposed  
to toxic substances, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; REFERENCES TO TITLE 38,**  
4 **UNITED STATES CODE; TABLE OF CONTENTS.**

5 (a) SHORT TITLE.—This Act may be cited as the  
6 “Honoring our Promise to Address Comprehensive Toxics  
7 Act of 2021” or the “Honoring our PACT Act of 2021”.

8 (b) REFERENCES TO TITLE 38, UNITED STATES  
9 CODE.—Except as otherwise expressly provided, whenever

1 in this title an amendment or repeal is expressed in terms  
2 of an amendment to, or repeal of, a section or other provi-  
3 sion, the reference shall be considered to be made to a  
4 section or other provision of title 38, United States Code.

5 (c) TABLE OF CONTENTS.—The table of contents for  
6 this Act is as follows:

Sec. 1. Short title; references to title 38, United States Code; table of contents.

TITLE I—EXPANSION OF HEALTH CARE ELIGIBILITY FOR TOXIC  
EXPOSED VETERANS

Sec. 101. Short title.

Sec. 102. Definitions relating to toxic exposed veterans.

Sec. 103. Expansion of health care for specific categories of toxic exposed veterans.

TITLE II—TOXIC EXPOSURE PRESUMPTION PROCESS

Sec. 201. Short title.

Sec. 202. Improvements to ability of Department of Veterans Affairs to establish presumptions of service connection based on toxic exposure.

Sec. 203. Reevaluation of claims for compensation involving presumptions of service connection.

TITLE III—IMPROVING THE ESTABLISHMENT OF SERVICE  
CONNECTION PROCESS FOR TOXIC EXPOSED VETERANS

Sec. 301. Short title.

Sec. 302. Presumptions of toxic exposure.

Sec. 303. Medical nexus examinations for toxic exposure risk activities.

TITLE IV—PRESUMPTIONS OF SERVICE CONNECTION

Sec. 401. Treatment of veterans who participated in cleanup of Enewetak Atoll as radiation-exposed veterans for purposes of presumption of service connection of certain disabilities by Department of Veterans Affairs.

Sec. 402. Treatment of veterans who participated in nuclear response near Palomares, Spain, as radiation-exposed veterans for purposes of presumption of service connection of certain disabilities by Department of Veterans Affairs.

Sec. 403. Presumptions of service connection for diseases associated with exposures to certain herbicide agents for veterans who served in certain locations.

Sec. 404. Addition of additional diseases associated with exposure to certain herbicide agents for which there is a presumption of service connection for veterans who served in certain locations.

Sec. 405. Improving compensation for disabilities occurring in Persian Gulf War veterans.

Sec. 406. Presumption of service connection for certain diseases associated with exposure to burn pits and other toxins.

TITLE V—RESEARCH MATTERS

Sec. 501. Coordination by Department of Veterans Affairs of toxic exposure research.

Sec. 502. Data collection, analysis, and report on treatment of veterans for illnesses related to toxic exposure.

Sec. 503. Studies related to veterans who served in Southwest Asia and certain other locations.

Sec. 504. Study on health trends of post 9/11 veterans.

Sec. 505. Study on cancer rates among veterans.

Sec. 506. Study on feasibility and advisability of furnishing hospital care and medical services to dependents of veterans who participated in toxic exposure risk activities.

TITLE VI—IMPROVEMENT OF RESOURCES AND TRAINING REGARDING TOXIC EXPOSED VETERANS

Sec. 601. Short title; definitions.

Sec. 602. Publication of list of resources of Department of Veterans Affairs for toxic exposed veterans and outreach program for such veterans and caregivers and survivors of such veterans.

Sec. 603. Incorporation of toxic exposure questionnaire during primary care appointments.

Sec. 604. Training for personnel of the Department of Veterans Affairs with respect to toxic exposed veterans.

TITLE VII—REGISTRIES, RECORDS, AND OTHER MATTERS

Sec. 701. Registry of individuals exposed to per- and polyfluoroalkyl substances on military installations.

Sec. 702. Fort McClellan Health Registry.

Sec. 703. Independent study on Individual Longitudinal Exposure Record.

Sec. 704. Biannual report on Individual Longitudinal Exposure Record.

Sec. 705. Correction by members of the Armed Forces of exposure records.

1 **TITLE I—EXPANSION OF HEALTH**  
2 **CARE ELIGIBILITY FOR TOXIC**  
3 **EXPOSED VETERANS**

4 **SEC. 101. SHORT TITLE.**

5 This title may be cited as the “Conceding Our Vet-  
6 erans’ Exposures Now And Necessitating Training Act”  
7 or the “COVENANT Act”.

1 **SEC. 102. DEFINITIONS RELATING TO TOXIC EXPOSED VET-**  
2 **ERANS.**

3 (a) IN GENERAL.—Section 1710(a)(2)(F) is amend-  
4 ed by striking “who was exposed to a toxic substance, ra-  
5 diation, or other conditions, as provided in subsection (e)”  
6 and inserting “in accordance with subsection (e), who is  
7 a toxic exposed veteran”.

8 (b) DEFINITIONS OF TOXIC EXPOSURE AND TOXIC  
9 EXPOSED VETERAN.—Section 101 is amended by adding  
10 at the end the following new paragraphs:

11 “(37) The term ‘toxic exposure’ includes the fol-  
12 lowing:

13 “(A) A toxic exposure risk activity, as defined  
14 in section 1710(e)(4) of this title.

15 “(B) An exposure to a substance, chemical, or  
16 airborne hazard specified in section 1119(b)(2).

17 “(38) The term ‘toxic exposed veteran’ means a vet-  
18 eran described in section 1710(e)(1) of this title.”.

19 (c) DEFINITION OF TOXIC EXPOSURE RISK ACTIV-  
20 ITY.—Section 1710(e)(4) is amended by adding at the end  
21 the following new subparagraph:

22 “(C) The term ‘toxic exposure risk activity’  
23 means any activity—

24 “(i) that requires a corresponding entry in  
25 the Individual Longitudinal Exposure Record of

1 the Department for the veteran who carried out  
2 the activity; or

3 “(ii) that the Secretary determines quali-  
4 fies for purposes of this subsection when taking  
5 into account what is reasonably prudent to pro-  
6 tect the health of veterans.”.

7 **SEC. 103. EXPANSION OF HEALTH CARE FOR SPECIFIC CAT-**  
8 **EGORIES OF TOXIC EXPOSED VETERANS.**

9 (a) IN GENERAL.—Section 1710(e), as amended by  
10 section 102(c), is further amended—

11 (1) in paragraph (1), by adding at the end the  
12 following new subparagraphs:

13 “(G) Subject to paragraph (2), a veteran who partici-  
14 pated in a toxic exposure risk activity while serving on  
15 active duty, active duty for training, or inactive duty train-  
16 ing is eligible for hospital care, medical services, and nurs-  
17 ing home care under subsection (a)(2)(F) for any illness.

18 “(H) Subject to paragraph (2), a covered veteran (as  
19 defined in section 1119(c) of this title) is eligible for hos-  
20 pital care, medical services, and nursing home care under  
21 subsection (a)(2)(F) for any illness.”; and

22 (2) in paragraph (2)(B)—

23 (A) by striking “or (F)” and inserting  
24 “(F), (G), or (H)”;

1 (B) by striking “service or testing” and in-  
2 serting “service, testing, or activity”.

3 (b) RESOURCE ASSESSMENT AND REPORT.—

4 (1) INITIAL ASSESSMENT AND REPORT.—Not  
5 later than 180 days after the date of the enactment  
6 of this Act, the Secretary of Veterans Affairs shall—

7 (A) complete an assessment to deter-  
8 mine—

9 (i) the personnel and material re-  
10 sources necessary to implement the amend-  
11 ments made by subsection (a); and

12 (ii) the total number of covered vet-  
13 erans, as such term is defined in section  
14 1119(c) of title 38, United States Code (as  
15 added by section 301), who receive hospital  
16 care or medical services furnished by the  
17 Secretary under chapter 17 of such title,  
18 disaggregated by priority group specified in  
19 section 1705(a) of such title; and

20 (B) submit to the Committees on Veterans’  
21 Affairs of the House of Representatives and the  
22 Senate an initial report containing the findings  
23 of the assessment completed under subpara-  
24 graph (A), including a specific determination as  
25 to whether the Department has the personnel

1           and material resources necessary to implement  
2           the amendments made by subsection (a).

3           (2) SUBSEQUENT REPORTS.—If the initial re-  
4           port submitted under paragraph (1)(B) contains a  
5           determination that the Department does not have  
6           the personnel or material resources necessary to im-  
7           plement the amendments made by subsection (a),  
8           beginning not later than 90 days after the submis-  
9           sion of such initial report and every 90 days there-  
10          after until the effective date specified in subsection  
11          (c), the Secretary shall submit to the Committees on  
12          Veterans' Affairs of the House of Representatives  
13          and the Senate a subsequent report containing an  
14          update to such determination.

15          (c) EFFECTIVE DATE.—The amendments made by  
16          subsection (a) shall take effect on the date that is the ear-  
17          lier of the following:

18               (1) The date on which the Secretary submits a  
19               report under subsection (b) containing a determina-  
20               tion that the Department has the personnel and ma-  
21               terial resources necessary to implement such amend-  
22               ments, and notifies the Law Revision Counsel of the  
23               House of Representatives of the submission of the  
24               report so the Law Revision Counsel may execute the  
25               amendments.

1           (2) The date that is 18 months after the date  
2 of the enactment of this Act.

3           **TITLE II—TOXIC EXPOSURE**  
4           **PRESUMPTION PROCESS**

5   **SEC. 201. SHORT TITLE.**

6           This title may be cited as the “Fairly Assessing Serv-  
7 ice-related Toxic Exposure Residuals Presumptions Act”  
8 or the “FASTER Presumptions Act”.

9   **SEC. 202. IMPROVEMENTS TO ABILITY OF DEPARTMENT OF**  
10           **VETERANS AFFAIRS TO ESTABLISH PRE-**  
11           **SUMPTIONS OF SERVICE CONNECTION**  
12           **BASED ON TOXIC EXPOSURE.**

13           (a) ADVISORY COMMITTEES, PANELS, AND  
14 BOARDS.—

15           (1) ESTABLISHMENT.—Chapter 11 is amended  
16 by adding at the end the following new subchapter:  
17 “SUBCHAPTER VII—RESEARCH AND DETER-  
18 MINATIONS RELATING TO PRESUMPTIONS  
19 OF SERVICE CONNECTION BASED ON TOXIC  
20 EXPOSURE

21   **“§ 1171. Procedures to determine presumptions of**  
22           **service connection based on toxic expo-**  
23           **sure; definitions**

24           “(a) PROCEDURES.—The Secretary shall determine  
25 whether to establish, or to remove, presumptions of service

1 connection based on toxic exposure pursuant to this sub-  
2 chapter, whereby—

3 “(1) the Formal Advisory Committee on Toxic  
4 Exposure under section 1172 of this title—

5 “(A) provides advice to the Secretary on  
6 toxic exposed veterans and cases in which vet-  
7 erans who, during active military, naval, or air  
8 service, may have experienced a toxic exposure  
9 or their dependents may have experienced a  
10 toxic exposure while the veterans were serving  
11 in the active military, naval, or air service;

12 “(B) provides to the Secretary rec-  
13 ommendations on corrections needed in the In-  
14 dividual Longitudinal Exposure Record to bet-  
15 ter reflect veterans and dependents described in  
16 subparagraph (A); and

17 “(C) provides to the Secretary rec-  
18 ommendations regarding which cases of possible  
19 toxic exposure described in subparagraph (A)  
20 the Science Review Board should review;

21 “(2) the Science Review Board under section  
22 1173 of this title—

23 “(A) reviews cases of possible toxic expo-  
24 sure nominated by the Secretary;



1 visory Committee on Toxic Exposure (in this section re-  
2 ferred to as the ‘Committee’).

3 “(2)(A) The Committee shall be composed of nine  
4 members appointed as follows:

5 “(i) Five members shall be appointed by the  
6 Secretary.

7 “(ii) One member shall be appointed by the  
8 Speaker of the House of Representatives.

9 “(iii) One member shall be appointed by the mi-  
10 nority leader of the House of Representatives.

11 “(iv) One member shall be appointed by the  
12 majority leader of the Senate.

13 “(v) One member shall be appointed by the mi-  
14 nority leader of the Senate.

15 “(B) The members appointed under subparagraph  
16 (A) shall meet the following criteria:

17 “(i) Not more than three members shall be ap-  
18 pointed from among individuals who are officials or  
19 employees of the Veterans Benefits Administration  
20 or the Veterans Health Administration.

21 “(ii) At least one member shall be appointed  
22 from among individuals who are officials or employ-  
23 ees of other departments or agencies of the Federal  
24 Government, including the Department of Defense  
25 and the Agency of Toxic Substances and Disease

1 Registry of the Centers for Disease Control and Pre-  
2 vention.

3 “(iii) At least one member shall be appointed  
4 from among individuals who are representatives of  
5 disabled veterans.

6 “(iv) At least one member shall be appointed  
7 from among individuals in the private sector, State  
8 or local government, or academia, who are experts in  
9 toxicology and epidemiology.

10 “(3) The Secretary shall determine the pay and al-  
11 lowances of the members of the Committee, including with  
12 respect to any additional pay and allowances for members  
13 who are officials or employees of the Federal Government.

14 “(4) Each member of the Committee shall be ap-  
15 pointed for a two-year term, and may serve not more than  
16 three successive terms.

17 “(5) A vacancy in the Committee shall be filled in  
18 the manner in which the original appointment was made.

19 “(b) CONSULTATION.—The Secretary may consult  
20 with, and seek the advice of, the Committee with respect  
21 to cases in which veterans who, during active military,  
22 naval, or air service, are suspected of having experienced  
23 a toxic exposure or dependents of veterans who may have  
24 experienced a toxic exposure during such service.

1           “(c) ASSESSMENTS.—(1) The Committee shall assess  
2 cases of the toxic exposure of veterans and their depend-  
3 ents that occurred during active military, naval, or air  
4 service.

5           “(2) The assessments under paragraph (1) shall  
6 cover suspected and known toxic exposures occurring dur-  
7 ing active military, naval, or air service, including by iden-  
8 tifying and evaluating new and emerging toxic exposures  
9 that are not recognized under existing presumptions of  
10 service connection.

11          “(3) The Committee may conduct an assessment  
12 under paragraph (1) in response to a person described in  
13 subsection (e)(2), by a majority vote of the members of  
14 the Committee.

15          “(4) The Committee shall on a periodic basis assess  
16 the Individual Longitudinal Exposure Record to ensure  
17 the accuracy of data collected.

18          “(d) RESEARCH RECOMMENDATIONS.—(1) Following  
19 an assessment of a case of the toxic exposure of veterans  
20 or their dependents that occurred during active military,  
21 naval, or air service under subsection (c), the Committee  
22 may develop a recommendation for the Secretary regard-  
23 ing whether there should be a review of the health effects  
24 related to the case of exposure conducted by the Science  
25 Review Board established under section 1173 of this title.

1       “(2) Upon receipt of evidence suggesting that pre-  
2 vious findings regarding the periods and locations of expo-  
3 sure covered by an existing presumption of service connec-  
4 tion are no longer supported, the Committee may nomi-  
5 nate such evidence for evaluation by the Working Group  
6 to modify the periods and locations.

7       “(e) INPUT.—(1) Not less than quarterly, the Com-  
8 mittee shall provide an opportunity for persons described  
9 in paragraph (2) to present written or oral comments to  
10 the Committee.

11       “(2) The persons described in this paragraph are per-  
12 sons who may be affected by the actions of the Committee,  
13 including—

14               “(A) veterans, the families of veterans, veterans  
15 service organizations and representatives, research-  
16 ers, and other members of the general public; and

17               “(B) departments and agencies of the Federal  
18 Government.

19       “(f) REPORTS BY THE COMMITTEE.—Not less fre-  
20 quently than once each year, the Committee shall submit  
21 to the Secretary and the Committees on Veterans’ Affairs  
22 of the Senate and the House of Representatives, and make  
23 publicly available, a report on—

24               “(1) recommendations for research under sub-  
25 section (d), if any; and

1           “(2) recommendations for such legislative or  
2           administrative action as the Committee considers  
3           necessary for the Committee to be more effective in  
4           carrying out the requirements of this section.

5           “(g) RESPONSES BY SECRETARY.—In response to  
6           each report submitted under subsection (f), the Secretary  
7           shall submit to the Secretary and the Committees on Vet-  
8           erans’ Affairs of the Senate and the House of Representa-  
9           tives, and make publicly available, a report on—

10           “(1) the findings and opinions of the Secretary  
11           with respect to the report most recently submitted  
12           under subsection (f); and

13           “(2) whether the Secretary intends to nominate  
14           to the Science Review Board the review rec-  
15           ommended by the Committee in the report, and if  
16           not, an explanation of why, including citations and  
17           sources.

18           **“§ 1173. Science Review Board**

19           “(a) ESTABLISHMENT.—(1) There is in the Veterans  
20           Health Administration of the Department the Science Re-  
21           view Board (in this section referred to as the ‘Board’).

22           “(2)(A) The members of the Board shall be appointed  
23           by the Secretary, in consultation with the National Acad-  
24           emies of Sciences, Engineering, and Medicine, from the  
25           general public from among individuals who are distin-

1 guished in the fields of medicine, biological sciences, or  
2 health administration.

3 “(B) An individual may not concurrently serve on the  
4 Board and the Formal Advisory Committee on Toxic Ex-  
5 posure under section 1172 of this title.

6 “(C) The Secretary shall determine the number,  
7 terms of service, and pay and allowances of members of  
8 the Board appointed by the Secretary.

9 “(b) DUTIES.—(1) Upon receiving a nomination for  
10 the evaluation of research on the health effects of toxic  
11 exposures of members of the active military, naval, or air  
12 service or dependents of such members made by the Sec-  
13 retary, the Board shall—

14 “(A) evaluate the likelihood that a positive as-  
15 sociation exists between an illness and a toxic expo-  
16 sure while serving in the active military, naval, or  
17 air service; and

18 “(B) assess the toxic exposures and illnesses  
19 identified by the Secretary and determine whether  
20 the evidence supports a finding of a positive associa-  
21 tion between the toxic exposure and the illness.

22 “(2) In carrying out paragraph (1)(B), the Board  
23 shall review all relevant data to determine the strength  
24 of evidence for a positive association based on the fol-  
25 lowing four categories:

1           “(A) The ‘sufficient’ category, where the evi-  
2           dence is sufficient to conclude that a positive asso-  
3           ciation exists.

4           “(B) The ‘equipoise and above’ category, where  
5           the evidence is sufficient to conclude that a positive  
6           association is at least as likely as not, but not suffi-  
7           cient to conclude that a positive association exists.

8           “(C) The ‘below equipoise’ category, where the  
9           evidence is not sufficient to conclude that a positive  
10          association is at least as likely as not, or is not suffi-  
11          cient to make a scientifically informed judgment.

12          “(D) The ‘against’ category, where the evidence  
13          suggests the lack of a positive association.

14          “(3)(A) With respect to an evaluation conducted  
15          under this subsection, if the Board determines that the  
16          evidence for a positive association is categorized as either  
17          the sufficient or equipoise and above categories, the Board  
18          shall estimate the size of the positive association effect  
19          among those exposed by calculating the relative risk and  
20          exposure prevalence.

21          “(B)(i) The Board shall use the relative risk and ex-  
22          posure prevalence calculated under subparagraph (A) to  
23          estimate the service-attributable fraction of illness in a  
24          military setting to determine the probability of positive as-  
25          sociation for an individual.

1           “(ii) In calculating the service-attributable fraction of  
2 illness, the Board shall consider the dose-response rela-  
3 tionships.

4           “(4)(A) With respect to an evaluation conducted  
5 under this subsection, if the Board determines that the  
6 evidence for a positive association is categorized as the  
7 below equipoise category, the Board shall develop a rec-  
8 ommendation as to whether additional data gathering and  
9 research are necessary.

10          “(B) If the Board recommends additional data gath-  
11 ering and research pursuant to subparagraph (A), the Sec-  
12 retary shall seek to enter into an agreement with the Na-  
13 tional Academies of Sciences, Engineering, and Medicine,  
14 or another nonprofit, nongovernmental entity that the  
15 Secretary determines has similar expertise and objectivity  
16 as the National Academies, to conduct such data gath-  
17 ering and research.

18          “(c) REPORTS.—(1) For each evaluation conducted  
19 under subsection (b) where the Board determines that the  
20 evidence for positive association is categorized as either  
21 the sufficient or equipoise and above categories, the Board  
22 shall submit to the Secretary a report identifying the evi-  
23 dence found to reach such positive association determina-  
24 tions.

1       “(2) In addition to submitting reports under para-  
2 graph (1), the Board shall submit to the Secretary reports,  
3 at such times and at such frequencies as the Board con-  
4 siderers appropriate, containing such recommendations as  
5 the Board may have for additional or new research on  
6 matters relating to toxic exposures described in subsection  
7 (b)(1).

8       “(d) RESPONSES FROM THE SECRETARY.—(1) In re-  
9 sponse to each report received by the Secretary under sub-  
10 section (c)(1), the Secretary shall submit to the Commit-  
11 tees on Veterans’ Affairs of the Senate and the House of  
12 Representatives, and make publicly available, a report on  
13 the findings and opinions of the Secretary with respect  
14 to the report received under such subsection.

15       “(2) Each report submitted under paragraph (1) of  
16 this subsection shall include, with respect to a report re-  
17 ceived under subsection (c)(1), the following:

18               “(A) The findings and opinions of the Secretary  
19 with respect to the report received under subsection  
20 (c)(1).

21               “(B) Whether the Secretary intends to nomi-  
22 nate to the Working Group, established under sec-  
23 tion 1174(a) of this title, the work of the Science  
24 Review Board covered by the report received under

1 subsection (c)(1) for further action, and if not, an  
2 explanation of why, including citations and sources.

3 **“§ 1174. Working group on presumptions of service**  
4 **connection**

5 “(a) ESTABLISHMENT.—The Secretary shall estab-  
6 lish a working group (in this section referred to as the  
7 ‘Working Group’) to—

8 “(1) evaluate—

9 “(A) the conclusions of the Science Review  
10 Board contained in each report submitted under  
11 section 1173(e)(1) of this title; and

12 “(B) evidence nominated by the Formal  
13 Advisory Committee on Toxic Exposure under  
14 section 1172(d)(2) regarding the periods and  
15 locations of exposure covered by an existing  
16 presumption of service connection; and

17 “(2) develop and submit to the Secretary a rec-  
18 ommendation with respect to whether—

19 “(A) to establish a presumption of service  
20 connection for the toxic exposure and illness  
21 covered by the report described in subparagraph  
22 (A) of paragraph (1); or

23 “(B) to modify an existing presumption of  
24 service connection described in subparagraph  
25 (B) of such paragraph.

1       “(b) RECOMMENDATIONS.—(1) In making a rec-  
2 ommendation under subsection (a)(2), the Working Group  
3 shall—

4           “(A) in cases where the evidence for a positive  
5 association is categorized as either the sufficient or  
6 equipoise and above categories, as described in sub-  
7 paragraph (A) or (B) of section 1173(b)(2) of this  
8 title, weigh such evidence heavily in favor of estab-  
9 lishing a presumption of service connection;

10          “(B) take into consideration such factors as  
11 may be determined appropriate by the Secretary;  
12 and

13          “(C) if the Working Group determines that ad-  
14 ditional research, studies, or reports are appropriate  
15 before making a final recommendation with respect  
16 to establishing or modifying a presumption of service  
17 connection, submit to the Secretary a description of  
18 such appropriate additional research, studies, or re-  
19 ports.

20          “(2) At the same time as when the Working Group  
21 submits to the Secretary a recommendation under para-  
22 graph (2) of subsection (a) with respect to an evaluation  
23 under paragraph (1) of such subsection, the Working  
24 Group shall submit to the Committees on Veterans’ Af-

1 fairs of the Senate and the House of Representatives a  
2 description of such recommendation.

3 “(c) REPORT.—The Secretary shall periodically pub-  
4 lish on the internet website of the Department a report  
5 identifying any factors for the Working Group to consider  
6 under subsection (b)(1)(B), as determined appropriate by  
7 the Secretary.

8 **“§ 1175. Regulations regarding presumptions of serv-**  
9 **ice connection based on toxic exposure**

10 “(a) ACTION UPON WORKING GROUP RECOMMENDA-  
11 TION.—Not later than 60 days after the date on which  
12 the Secretary receives a recommendation to establish or  
13 modify a presumption of service connection under section  
14 1174(a)(2) of this title—

15 “(1) if the Secretary determines that the pre-  
16 sumption, or modification, is warranted, the Sec-  
17 retary shall issue proposed regulations setting forth  
18 the presumption or revise regulations to carry out  
19 such modification; or

20 “(2) if the Secretary determines that the pre-  
21 sumption, or modification, is not warranted, the Sec-  
22 retary shall publish in the Federal Register a notice  
23 of the determination, including the reasons sup-  
24 porting the determination.

1       “(b) FINAL REGULATION.—Not later than 180 days  
2 after the date on which the Secretary issues any proposed  
3 regulations under subsection (a)(1), the Secretary shall  
4 issue final regulations. Such regulations shall be effective  
5 on the date of issuance.

6       “(c) REMOVAL OF PRESUMPTION.—(1) The Sec-  
7 retary may issue regulations to remove an illness from a  
8 presumption of service connection previously established  
9 pursuant to a regulation issued under subsection (b).

10       “(2) Whenever an illness is removed from regulations  
11 pursuant to paragraph (1), or the periods and locations  
12 of exposure covered by a presumption of service connection  
13 are modified under subsection (a)—

14               “(A) a veteran who was awarded compensation  
15 for such illness on the basis of the presumption pro-  
16 vided under such regulations before the effective  
17 date of the removal or modification shall continue to  
18 be entitled to receive compensation on that basis;  
19 and

20               “(B) a survivor of a veteran who was awarded  
21 dependency and indemnity compensation for the  
22 death of a veteran resulting from such illness on the  
23 basis of such presumption shall continue to be enti-  
24 tled to receive dependency and indemnity compensa-  
25 tion on such basis.”.

1           (2) CLERICAL AMENDMENT.—The table of sec-  
2           tions at the beginning of such chapter is amended  
3           by inserting after the item relating to section 1165  
4           the following new items:

“SUBCHAPTER VII—RESEARCH AND DETERMINATIONS RELATING TO  
PRESUMPTIONS OF SERVICE CONNECTION BASED ON TOXIC EXPOSURE

“1171. Procedures to determine presumptions of service connection based on  
toxic exposure; definitions.

“1172. Formal Advisory Committee on Toxic Exposure.

“1173. Science Review Board.

“1174. Working group on presumptions of service connection.

“1175. Regulations regarding presumptions of service connection based on toxic  
exposure.”.

5           (b) CONFORMING AMENDMENTS.—Chapter 11 is  
6           amended—

7           (1) in section 1116—

8           (A) by striking subsections (b), (c), (d),  
9           and (e);

10          (B) by inserting after subsection (a) the  
11          following new subsection (b):

12          “(b) The Secretary shall ensure that any determina-  
13          tion made on or after the date of the enactment of the  
14          Honoring our Promise to Address Comprehensive Toxics  
15          Act of 2021 regarding a presumption of service connection  
16          based on exposure to an herbicide agent under this section  
17          is made pursuant to subchapter VII of this chapter, in-  
18          cluding with respect to assessing reports received by the  
19          Secretary from the National Academy of Sciences under  
20          section 3 of the Agent Orange Act of 1991 (Public Law  
21          102–4).”; and

1 (C) by redesignating subsection (f) as sub-  
2 section (e);

3 (2) in section 1116B(b)(2)(A), by inserting  
4 “pursuant to subchapter VII of this chapter,” before  
5 “the Secretary determines”; and

6 (3) in section 1118—

7 (A) by striking subsections (b) through (e);  
8 and

9 (B) by inserting after subsection (a) the  
10 following new subsection (b):

11 “(b) The Secretary shall ensure that any determina-  
12 tion made on or after the date of the enactment of the  
13 Honoring our Promise to Address Comprehensive Toxics  
14 Act of 2021 regarding a presumption of service connection  
15 based on a toxic exposure under this section is made pur-  
16 suant to subchapter VII of this chapter.”.

17 **SEC. 203. REEVALUATION OF CLAIMS FOR COMPENSATION**  
18 **INVOLVING PRESUMPTIONS OF SERVICE**  
19 **CONNECTION.**

20 (a) IN GENERAL.—Subchapter VI of chapter 11 is  
21 amended by adding at the end the following new section:

1 **“§ 1167. Reevaluation of compensation determina-**  
2 **tions pursuant to changes in presump-**  
3 **tions of service connection**

4 “(a) REEVALUATION.—Except as provided in sub-  
5 section (b), whenever a law, including through a regulation  
6 or Federal court decision, establishes or modifies a pre-  
7 sumption of service connection, the Secretary shall—

8 “(1) identify all claims for compensation under  
9 this chapter that—

10 “(A) were submitted to the Secretary;

11 “(B) were evaluated and denied by the  
12 Secretary before the date on which such provi-  
13 sion of law went into effect; and

14 “(C) might have been evaluated differently  
15 had the establishment or modification been ap-  
16 plicable to the claim;

17 “(2) allow for the reevaluation of such claims at  
18 the election of the veteran; and

19 “(3) with respect to claims approved pursuant  
20 to such reevaluation, provide compensation under  
21 this chapter effective as if the establishment or  
22 modification of the presumption of service connec-  
23 tion had been in effect on the date of the submission  
24 of the original claim described in paragraph (1).

25 “(b) OUTREACH.—With respect to each claim identi-  
26 fied under subsection (a), the Secretary shall conduct out-



1 **TITLE III—IMPROVING THE ES-**  
2 **TABLISHMENT OF SERVICE**  
3 **CONNECTION PROCESS FOR**  
4 **TOXIC EXPOSED VETERANS**

5 **SEC. 301. SHORT TITLE.**

6 This title may be cited as the “Veterans Burn Pits  
7 Exposure Recognition Act”.

8 **SEC. 302. PRESUMPTIONS OF TOXIC EXPOSURE.**

9 (a) IN GENERAL.—Subchapter II of chapter 11 is  
10 amended by adding at the end the following new section:

11 **“§ 1119. Presumptions of toxic exposure**

12 “(a) CONSIDERATION OF INDIVIDUAL LONGITU-  
13 DINAL EXPOSURE RECORD REQUIRED.—If a veteran sub-  
14 mits to the Secretary a claim for compensation for a serv-  
15 ice-connected disability under section 1110 of this title  
16 with evidence of a disability and a toxic exposure that oc-  
17 curred during active military, naval, or air service, the  
18 Secretary shall, in adjudicating such claim, consider—

19 “(1) the Individual Longitudinal Exposure  
20 Record of the veteran; and

21 “(2) if the Individual Longitudinal Exposure  
22 Record of the veteran does not indicate that the vet-  
23 eran was subject to a toxic exposure during active  
24 military, naval, or air service, the totality of the cir-  
25 cumstances of the service of the veteran.

1           “(b) PRESUMPTION OF SPECIFIC TOXIC EXPOSURE  
2 FOR MEMBERS WHO SERVED IN CERTAIN LOCATIONS.—

3 (1) The Secretary shall, for purposes of section 1110 and  
4 chapter 17 of this title, presume that any covered veteran  
5 was exposed to the substances, chemicals, and hazards  
6 listed in paragraph (2) during the service of the covered  
7 veteran specified in subsection (c)(1), unless there is af-  
8 firmative evidence to establish that the covered veteran  
9 was not exposed to any such substances, chemicals, or haz-  
10 ards in connection with such service.

11           “(2)(A) Subject to subparagraph (B), the substances,  
12 chemicals, and airborne hazards listed in this paragraph  
13 are as follows:

14                   “(i) Particulate matter, including the following:

15                           “(I) PM-10.

16                           “(II) PM-2.5.

17                   “(ii) Polycyclic aromatic hydrocarbons (PAHs),  
18 including the following:

19                           “(I) Acenaphthene.

20                           “(II) Acenaphthylene.

21                           “(III) Anthracene.

22                           “(IV) Benzo(a)anthracene.

23                           “(V) Benzo(a)pyrene.

24                           “(VI) Benzo(b)fluoranthene.

25                           “(VII) Benzo(g,h,i)perylene.

- 1 “(VIII) Benzo(k)fluoranthene.
- 2 “(IX) Chrysene.
- 3 “(X) Dibenz(a,h)anthracene.
- 4 “(XI) Fluoranthene.
- 5 “(XII) Fluorene.
- 6 “(XIII) Indeno(1,2,3-cd)pyrene.
- 7 “(XIV) Naphthalene.
- 8 “(XV) Phenanthrene.
- 9 “(XVI) Pyrene.
- 10 “(iii) Volatile organic compounds (VOCs), in-
- 11 cluding the following:
- 12 “(I) Acetone.
- 13 “(II) Acrolein.
- 14 “(III) Benzene.
- 15 “(IV) Carbon Disulfide.
- 16 “(V) Chlorodifluoromethane.
- 17 “(VI) Chloromethane.
- 18 “(VII) Ethylbenzene.
- 19 “(VIII) Hexachlorobutadiene.
- 20 “(IX) Hexane.
- 21 “(X) m/p-Xylene.
- 22 “(XI) Methylene Chloride.
- 23 “(XII) Pentane.
- 24 “(XIII) Propylene.
- 25 “(XIV) Styrene.

1                   “(XV) Toluene.

2                   “(iv) Toxic organic halogenated dioxins and  
3 furans (dioxins), including the following:

4                   “(I) 1,2,3,4,6,7,8 HPCDD.

5                   “(II) 1,2,3,4,6,7,8 HPCDF.

6                   “(III) 1,2,3,4,7,8,9 HPCDF.

7                   “(IV) 1,2,3,4,7,8 HXCDD.

8                   “(V) 1,2,3,6,7,8 HXCDD.

9                   “(VI) 1,2,3,7,8,9 HXCDD.

10                  “(VII) 1,2,3,4,7,8 HXCDF.

11                  “(VIII) 1,2,3,6,7,8 HXCDF.

12                  “(IX) 1,2,3,7,8,9 HXCDF.

13                  “(X) 1,2,3,7,8 PECDD.

14                  “(XI) 1,2,3,7,8 PECDF.

15                  “(XII) 2,3,4,6,7,8 HXCDF.

16                  “(XIII) 2,3,4,7,8 PECDF.

17                  “(XIV) 2,3,7,8 TCDD.

18                  “(XV) 2,3,7,8 TCDF.

19                  “(XVI) Octachlorodibenzodioxin.

20                  “(XVII) Octachlorodibenzofuran.

21                  “(v) Such other substances, chemicals, and air-  
22 borne hazards as the Secretary, in collaboration with  
23 the Secretary of Defense, may determine appro-  
24 priate.

1       “(B)(i) The Secretary may add to or remove from  
2 the list under subparagraph (A) as the Secretary, in col-  
3 laboration with the Secretary of Defense, determines ap-  
4 propriate.

5       “(ii) Beginning not later than two years after the  
6 date of the enactment of the Honoring our Promise to Ad-  
7 dress Comprehensive Toxics Act of 2021, and not less fre-  
8 quently than once every two years thereafter, the Sec-  
9 retary shall submit to Congress a report identifying any  
10 additions or removals made pursuant to subparagraph (A)  
11 during the period covered by the report.

12       “(c) DEFINITIONS.—In this section:

13               “(1) The term ‘covered veteran’ means any vet-  
14 eran who—

15                       “(A) on or after August 2, 1990, per-  
16 formed active military, naval, or air service  
17 while assigned to a duty station in—

18                               “(i) Bahrain;

19                               “(ii) Iraq;

20                               “(iii) Kuwait;

21                               “(iv) Oman;

22                               “(v) Qatar;

23                               “(vi) Saudi Arabia;

24                               “(vii) Somalia; or

25                               “(viii) United Arab Emirates; or

1                   “(B) on or after September 11, 2001, per-  
2                   formed active military, naval, or air service  
3                   while assigned to a duty station in—

4                   “(i) Afghanistan;  
5                   “(ii) Djibouti;  
6                   “(iii) Egypt;  
7                   “(iv) Jordan;  
8                   “(v) Lebanon;  
9                   “(vi) Syria;  
10                  “(vii) Yemen;  
11                  “(viii) Uzbekistan;  
12                  “(ix) the Philippines; or  
13                  “(x) any other country determined rel-  
14                  evant by the Secretary.

15                  “(2) The term ‘Individual Longitudinal Expo-  
16                  sure Record’ includes any pilot program or other  
17                  program used by the Department of Veterans Af-  
18                  fairs or the Department of Defense to track how  
19                  members of the Armed Forces or veterans have been  
20                  exposed to various occupational or environmental  
21                  hazards.

22                  “(3) The term ‘toxic exposure risk activity’ has  
23                  the meaning given such term in section 1710(e)(4)  
24                  of this title.”.

1 (b) CLERICAL AMENDMENT.—The table of sections  
2 at the beginning of chapter 11 is amended by inserting  
3 after the item relating to section 1118 the following new  
4 item:

“1119. Presumptions of toxic exposure.”.

5 **SEC. 303. MEDICAL NEXUS EXAMINATIONS FOR TOXIC EX-**  
6 **POSURE RISK ACTIVITIES.**

7 (a) IN GENERAL.—Subchapter VI of chapter 11, as  
8 amended by section 203 of this Act, is further amended  
9 by adding at the end the following new section:

10 **“§ 1168. Medical nexus examinations for toxic expo-**  
11 **sure risk activities**

12 “(a) MEDICAL EXAMINATIONS AND MEDICAL OPIN-  
13 IONS.—(1) Except as provided in subsection (b), if a vet-  
14 eran submits to the Secretary a claim for compensation  
15 for a service-connected disability under section 1110 of  
16 this title with evidence of a disability and evidence of par-  
17 ticipation in a toxic exposure risk activity during active  
18 military, naval, or air service, and such evidence is not  
19 sufficient to establish a service connection for the dis-  
20 ability, the Secretary shall—

21 “(A) provide the veteran with a medical exam-  
22 ination under section 5103A(d) of this title; and

23 “(B) request a medical opinion as to whether it  
24 is at least as likely as not that there is a nexus be-

1           tween the disability and the toxic exposure risk ac-  
2           tivity.

3           “(2) When providing the Secretary with a medical  
4 opinion requested under paragraph (1), the health care  
5 provider shall consider the total potential exposure  
6 through all applicable military deployments, and the syn-  
7 ergistic, combined effect of all applicable toxic exposure  
8 risk activities.

9           “(b) EXCEPTION.—Subsection (a) shall not apply if  
10 the Secretary determines there is no indication of an asso-  
11 ciation between the disability claimed by the veteran and  
12 the toxic exposure risk activity for which the veteran sub-  
13 mitted evidence.

14           “(c) TOXIC EXPOSURE RISK ACTIVITY DEFINED.—  
15 In this section, the term ‘toxic exposure risk activity’ has  
16 the meaning given such term in section 1710(e)(4) of this  
17 title.”.

18           (b) CLERICAL AMENDMENT.—The table of sections  
19 at the beginning of chapter 11 of such title, as amended  
20 by title II of this Act, is further amended by inserting  
21 after the item relating to section 1167, as added by such  
22 title, the following new item:

“1168. Medical nexus examinations for toxic exposure risk activities.”.

1       **TITLE IV—PRESUMPTIONS OF**  
2                   **SERVICE CONNECTION**

3       **SEC. 401. TREATMENT OF VETERANS WHO PARTICIPATED**  
4                   **IN CLEANUP OF ENEWETAK ATOLL AS RADI-**  
5                   **ATION-EXPOSED VETERANS FOR PURPOSES**  
6                   **OF PRESUMPTION OF SERVICE CONNECTION**  
7                   **OF CERTAIN DISABILITIES BY DEPARTMENT**  
8                   **OF VETERANS AFFAIRS.**

9           (a) **SHORT TITLE.**—This section may be cited as the  
10 “Mark?Takai?Atomic Veterans Healthcare Parity Act”.

11          (b) **ENEWETAK ATOLL.**—Section 1112(c)(3)(B) is  
12 amended by adding at the end the following new clause:

13                   “(v) Cleanup of Enewetak Atoll during the  
14                   period beginning on January 1, 1977, and end-  
15                   ing on December 31, 1980.”.

16       **SEC. 402. TREATMENT OF VETERANS WHO PARTICIPATED**  
17                   **IN NUCLEAR RESPONSE NEAR PALOMARES,**  
18                   **SPAIN, AS RADIATION-EXPOSED VETERANS**  
19                   **FOR PURPOSES OF PRESUMPTION OF SERV-**  
20                   **ICE CONNECTION OF CERTAIN DISABILITIES**  
21                   **BY DEPARTMENT OF VETERANS AFFAIRS.**

22           (a) **SHORT TITLE.**—This section may be cited as the  
23 “Palomares Veterans Act”.

1 (b) PALOMARES.—Section 1112(c)(3)(B), as amend-  
2 ed by section 401, is further amended by adding at the  
3 end the following new clause:

4 “(vi) Onsite participation in the response  
5 effort following the collision of a United States  
6 Air Force B-52 bomber and refueling plane  
7 that caused the release of four thermonuclear  
8 weapons in the vicinity of Palomares, Spain,  
9 during the period beginning January 17, 1966,  
10 and ending March 31, 1967.”.

11 **SEC. 403. PRESUMPTIONS OF SERVICE CONNECTION FOR**  
12 **DISEASES ASSOCIATED WITH EXPOSURES TO**  
13 **CERTAIN HERBICIDE AGENTS FOR VETERANS**  
14 **WHO SERVED IN CERTAIN LOCATIONS.**

15 (a) SHORT TITLE.—This section may be cited as the  
16 “Veterans Agent Orange Exposure Equity Act”.

17 (b) IN GENERAL.—Section 1116, as amended by sec-  
18 tion 202, is further amended—

19 (1) by striking “, during active military, naval,  
20 or air service, served in the Republic of Vietnam  
21 during the period beginning on January 9, 1962,  
22 and ending on May 7, 1975” each place it appears  
23 and inserting “performed covered service”;

24 (2) by striking “performed active military,  
25 naval, or air service in the Republic of Vietnam dur-

1       ing the period beginning on January 9, 1962, and  
2       ending on May 7, 1975” each place it appears and  
3       inserting “performed covered service”; and

4               (3) by adding at the end the following new sub-  
5       section:

6       “(d) In this section, the term ‘covered service’ means  
7       active military, naval, or air service—

8               “(1) performed in the Republic of Vietnam dur-  
9       ing the period beginning on January 9, 1962, and  
10       ending on May 7, 1975;

11              “(2) performed in Thailand at any United  
12       States or Royal Thai base during the period begin-  
13       ning on January 9, 1962, and ending on June 30,  
14       1976, without regard to where on the base the vet-  
15       eran was located or what military job specialty the  
16       veteran performed;

17              “(3) performed in Laos during the period be-  
18       ginning on December 1, 1965, and ending on Sep-  
19       tember 30, 1969;

20              “(4) performed in Cambodia at Mimot or Krek,  
21       Kampong Cham Province during the period begin-  
22       ning on April 16, 1969, and ending on April 30,  
23       1969; or

24              “(5) performed on Guam or American Samoa,  
25       or in the territorial waters thereof, during the period

1 beginning on January 9, 1962, and ending on July  
2 31, 1980, or served on Johnston Atoll or on a ship  
3 that called at Johnston Atoll during the period be-  
4 ginning on January 1, 1972, and ending on Sep-  
5 tember 30, 1977.”.

6 (c) ELIGIBILITY FOR HOSPITAL CARE AND MEDICAL  
7 SERVICES.—Section 1710(e)(4), as amended by section  
8 103, is further amended by striking subparagraph (A) and  
9 inserting the following new subparagraph:

10 “(A) The term ‘Vietnam-era herbicide-exposed  
11 veteran’ means a veteran who—

12 “(i) performed covered service, as defined  
13 in section 1116(d) of this title; or

14 “(ii) the Secretary finds may have been ex-  
15 posed during such service to dioxin or was ex-  
16 posed during such service to a toxic substance  
17 found in a herbicide or defoliant used for mili-  
18 tary purposes during such period.”.

19 (d) CLERICAL AMENDMENTS.—

20 (1) SECTION HEADING.—The heading for sec-  
21 tion 1116 is amended by striking “**the Republic**  
22 **of Vietnam**” and inserting “**certain loca-**  
23 **tions**”.

24 (2) TABLE OF SECTIONS.—The table of sections  
25 at the beginning of chapter 11 is amended by strik-

1       ing the item relating to section 1116 and inserting  
2       the following new item:

“1116. Presumptions of service connection for diseases associated with exposure to certain herbicide agents; presumption of exposure for veterans who served in certain locations.”.

3   **SEC. 404. ADDITION OF ADDITIONAL DISEASES ASSOCI-**  
4                   **ATED WITH EXPOSURE TO CERTAIN HERBI-**  
5                   **CIDE AGENTS FOR WHICH THERE IS A PRE-**  
6                   **SUMPTION OF SERVICE CONNECTION FOR**  
7                   **VETERANS WHO SERVED IN CERTAIN LOCA-**  
8                   **TIONS.**

9       (a) **SHORT TITLE.**—This section may be cited as the  
10 “Fair Care for Vietnam Veterans Act”.

11       (b) **ADDITIONAL DISEASES.**—Section 1116(a)(2), as  
12 amended by section 9109 of the William M. (Mac) Thorn-  
13 berry National Defense Authorization Act for Fiscal Year  
14 2021 (Public Law 116–283), is further amended by add-  
15 ing at the end the following new subparagraphs:

16               “(L) Hypertension.

17               “(M) Monoclonal gammopathy of undetermined  
18 significance.”.

19   **SEC. 405. IMPROVING COMPENSATION FOR DISABILITIES**  
20                   **OCCURRING IN PERSIAN GULF WAR VET-**  
21                   **ERANS.**

22       (a) **REDUCTION IN THRESHOLD OF ELIGIBILITY.**—  
23 Subsection (a)(1) of section 1117 is amended by striking  
24 “became manifest—” and all that follows through the pe-

1 riod at the end and inserting “became manifest to any  
2 degree at any time.”.

3 (b) PERMANENT EXTENSION OF PERIOD OF ELIGI-  
4 BILITY.—Such section is further amended—

5 (1) by striking subsection (b);

6 (2) by redesignating subsections (c) and (d) as  
7 subsections (b) and (c), respectively; and

8 (3) in subsection (a)(2)(C), by striking “under  
9 subsection (d)” and inserting “under subsection  
10 (c)”.

11 (c) ESTABLISHING SINGULAR DISABILITY-BASED  
12 QUESTIONNAIRE.—Such section is further amended by in-  
13 serting after subsection (c) (as redesignated by subsection  
14 (b)) the following new subsection (d):

15 “(d) If a Persian Gulf veteran at a medical facility  
16 of the Department presents with any one symptom associ-  
17 ated with Gulf War Illness, the Secretary shall ensure that  
18 health care personnel of the Department use a disability  
19 benefits questionnaire, or successor questionnaire, to iden-  
20 tify Gulf War Illness.”.

21 (d) EXPANSION OF DEFINITION OF PERSIAN GULF  
22 VETERAN.—Subsection (f) of such section is amended by  
23 inserting “, Afghanistan, Israel, Egypt, Turkey, Syria, or  
24 Jordan,” after “operations”.

1 (e) TRAINING.—Such section is further amended by  
2 adding at the end the following new subsection:

3 “(i)(1) The Secretary shall take such actions as may  
4 be necessary to ensure that health care personnel of the  
5 Department are appropriately trained to effectively carry  
6 out this section.

7 “(2) Not less frequently than once each year, the Sec-  
8 retary shall submit to Congress a report on the actions  
9 taken by the Secretary to carry out paragraph (1).”.

10 **SEC. 406. PRESUMPTION OF SERVICE CONNECTION FOR**  
11 **CERTAIN DISEASES ASSOCIATED WITH EXPO-**  
12 **SURE TO BURN PITS AND OTHER TOXINS.**

13 (a) SHORT TITLE.—This section may be cited as the  
14 “Presumptive Benefits for War Fighters Exposed to Burn  
15 Pits and Other Toxins Act”.

16 (b) IN GENERAL.—Subchapter II of chapter 11, as  
17 amended by section 303(a), is further amended by insert-  
18 ing after section 1119 the following new section:

19 **“§ 1120. Presumption of service connection for cer-**  
20 **tain diseases associated with exposure to**  
21 **burn pits and other toxins**

22 “(a) PRESUMPTION OF SERVICE CONNECTION.—For  
23 the purposes of section 1110 of this title, and subject to  
24 section 1113 of this title, a disease specified in subsection  
25 (b) becoming manifest in a covered veteran shall be con-

1 sidered to have been incurred in or aggravated during ac-  
2 tive military, naval, or air service, notwithstanding that  
3 there is no record of evidence of such disease during the  
4 period of such service.

5 “(b) DISEASES SPECIFIED.—The diseases specified  
6 in this subsection are the following:

7 “(1) Asthma that was diagnosed after service of  
8 the covered veteran as specified in subsection (c).

9 “(2) The following types of cancer:

10 “(A) Head cancer of any type.

11 “(B) Neck cancer of any type.

12 “(C) Respiratory cancer of any type.

13 “(D) Gastrointestinal cancer of any type.

14 “(E) Reproductive cancer of any type.

15 “(F) Lymphoma cancer of any type.

16 “(G) Lymphomatic cancer of any type.

17 “(H) Kidney cancer.

18 “(I) Brain cancer.

19 “(J) Melanoma.

20 “(K) Pancreatic cancer.

21 “(3) Chronic bronchitis.

22 “(4) Chronic obstructive pulmonary disease.

23 “(5) Constrictive bronchiolitis or obliterative  
24 bronchiolitis.

25 “(6) Emphysema.



1     **TITLE V—RESEARCH MATTERS**

2     **SEC. 501. COORDINATION BY DEPARTMENT OF VETERANS**

3                     **AFFAIRS OF TOXIC EXPOSURE RESEARCH.**

4             (a) IN GENERAL.—Subchapter II of chapter 73 is  
5 amended by adding at the end the following new section:

6     **“§ 7330D. Coordination of toxic exposure research**

7             “(a) IN GENERAL.—The Secretary shall coordinate  
8 all research activities carried out or funded by the execu-  
9 tive branch of the Federal Government on the health con-  
10 sequences of toxic exposures experienced during service in  
11 the Armed Forces.

12             “(b) STRATEGIC PLAN.—In carrying out subsection  
13 (a), the Secretary shall establish a strategic plan, to be  
14 known as the Toxic Exposure Research Strategic Plan, to  
15 ensure that the research activities specified in such sub-  
16 section are collaborative, transparent, and highly coordi-  
17 nated.

18             “(c) REPORT.—Not later than one year after the date  
19 of the enactment of the Honoring our Promise to Address  
20 Comprehensive Toxics Act of 2021, and annually there-  
21 after, the Secretary shall submit to the Committee on Vet-  
22 erans’ Affairs of the House of Representatives and the  
23 Senate a report on any research activities specified in sub-  
24 section (a) carried out during the year covered by the re-  
25 port.”.

1 (b) CLERICAL AMENDMENT.—The table of sections  
2 at the beginning of such subchapter is amended by insert-  
3 ing after the item relating to section 7330C the following  
4 new item:

“7330D. Coordination of toxic exposure research.”.

5 **SEC. 502. DATA COLLECTION, ANALYSIS, AND REPORT ON**  
6 **TREATMENT OF VETERANS FOR ILLNESSES**  
7 **RELATED TO TOXIC EXPOSURE.**

8 (a) IN GENERAL.—The Secretary of Veterans Affairs  
9 shall compile and analyze, on a continuous basis, all clin-  
10 ical data that—

11 (1) is obtained by the Secretary in connection  
12 with hospital care, medical services, or nursing home  
13 care furnished to a veteran for an illness under sec-  
14 tion 1710(a)(2)(F) of title 38, United States Code,  
15 as amended by section 102; and

16 (2) is likely to be scientifically useful, as deter-  
17 mined by the Secretary, in determining whether a  
18 positive association exists between the illness of the  
19 veteran and a toxic exposure.

20 (b) CONSENT OF PATIENTS.—The Secretary shall en-  
21 sure that the compilation and analysis of the clinical data  
22 of a veteran under subsection (a) shall be conducted, and  
23 such data shall be used, in a manner that is consistent  
24 with the informed consent of the veteran and in compli-  
25 ance with all applicable Federal law.

1           (c) ANNUAL REPORT.—Not later than one year after  
2 the date of the enactment of this Act, and annually there-  
3 after, the Secretary shall submit to the Committee on Vet-  
4 erans' Affairs of the House of Representatives and the  
5 Senate a report containing—

6           (1) any data compiled under subsection (a);

7           (2) an analysis of any such data;

8           (3) a description of the types and incidences of  
9 illnesses identified by the Secretary pursuant to such  
10 subsection;

11           (4) an explanation by the Secretary for the inci-  
12 dence of such illnesses and such alternate expla-  
13 nations for the incidence of such illnesses as the Sec-  
14 retary may consider reasonable; and

15           (5) a description of the views of the Secretary  
16 regarding the scientific validity of drawing conclu-  
17 sions from the incidence of such illnesses, as evi-  
18 denced by the data compiled under subsection (a),  
19 regarding the existence of a positive association be-  
20 tween such illness and a toxic exposure.

21           (d) DEFINITIONS.—In this section:

22           (1) The term “toxic exposure” has the meaning  
23 given that term in section 101 of title 38, United  
24 States Code.

1           (2) The term “illness” has the meaning given  
2           that term in section 1171 of such title, as added by  
3           section 202.

4 **SEC. 503. STUDIES RELATED TO VETERANS WHO SERVED IN**  
5                           **SOUTHWEST ASIA AND CERTAIN OTHER LO-**  
6                           **CATIONS.**

7           (a) ANALYSIS ON MORTALITY IN COVERED VET-  
8           ERANS.—

9           (1) ANALYSIS.—Not later than 180 days after  
10           the date of the enactment of this Act, the Secretary  
11           of Veterans Affairs shall conduct an updated anal-  
12           ysis of total and respiratory disease mortality in cov-  
13           ered veterans.

14           (2) ELEMENTS.—The analysis under paragraph  
15           (1) shall include, to the extent practicable, the fol-  
16           lowing:

17                           (A) Metrics of airborne exposures.

18                           (B) The location and timing of any deploy-  
19                           ments of the veteran.

20                           (C) The military occupational specialty of  
21                           the veteran.

22                           (D) The Armed Force in which the veteran  
23                           served.

24                           (E) The preexisting health status of the  
25                           veteran, including with respect to asthma.

1 (F) Such personal information of the vet-  
2 eran as the Secretary may consider relevant, in-  
3 cluding cigarette and e-cigarette smoking his-  
4 tory, diet, sex, gender, age, race, and ethnicity.

5 (b) EPIDEMIOLOGICAL STUDY.—Not later than 180  
6 days after the date of the enactment of this Act, the Sec-  
7 retary shall conduct an epidemiological study of covered  
8 veterans that involves—

9 (1) the use of improved spatio-temporal esti-  
10 mates of ambient air pollution exposures that lever-  
11 age advances in retrospective exposure assessment;  
12 and

13 (2) the collection of detailed information on the  
14 covered veterans studied through medical records,  
15 administrative data, and other existing sources, in-  
16 cluding, with respect to the covered veterans—

17 (A) personal information, including ciga-  
18 rette and e-cigarette smoking history, diet, sex,  
19 gender, age, race, and ethnicity;

20 (B) deployment history, including loca-  
21 tions, periods, and number of deployments;

22 (C) biospecimen data; and

23 (D) supplementary health status and out-  
24 comes data, including imaging and physiological  
25 parameters.

1 (c) TOXICOLOGY STUDY.—

2 (1) STUDY.—Not later than 180 days after the  
3 date of the enactment of this Act, the Secretary  
4 shall conduct a toxicology study, to include varia-  
5 bility, to replicate toxic exposures of healthy, young  
6 members of the Armed Forces, as well as potentially  
7 susceptible members, with preexisting health condi-  
8 tions.

9 (2) ELEMENTS.—The study under paragraph  
10 (1) shall include—

11 (A) an analysis of results for mechanistic  
12 markers and clinically relevant outcomes; and

13 (B) a validation of any serum, tissue, or  
14 other biomarkers of toxic exposure, suscepti-  
15 bility, or effect with respect to the subjects of  
16 the study.

17 (d) COVERED VETERAN DEFINED.—In this section,  
18 the term “covered veteran” has the meaning given that  
19 term in section 1119(c) of title 38, United States Code,  
20 as added by section 302.

21 **SEC. 504. STUDY ON HEALTH TRENDS OF POST 9/11 VET-**  
22 **ERANS.**

23 The Secretary of Veterans Affairs shall conduct an  
24 epidemiological study on the health trends of veterans who  
25 served in the Armed Forces after September 11, 2001.

1 **SEC. 505. STUDY ON CANCER RATES AMONG VETERANS.**

2 (a) STUDY.—The Secretary of Veterans Affairs shall  
3 conduct a study on the incidence of cancer in veterans to  
4 determine trends in the rates of the incidence of cancer  
5 in veterans.

6 (b) ELEMENTS.—The study required by subsection  
7 (a) shall assess, with respect to each veteran included in  
8 the study, the following:

9 (1) The age of the veteran.

10 (2) The period of service and length of service  
11 of the veteran in the Armed Forces.

12 (3) Any military occupational speciality of the  
13 veteran.

14 (4) The gender of the veteran.

15 (5) Any type of cancer that the veteran has.

16 **SEC. 506. STUDY ON FEASIBILITY AND ADVISABILITY OF**  
17 **FURNISHING HOSPITAL CARE AND MEDICAL**  
18 **SERVICES TO DEPENDENTS OF VETERANS**  
19 **WHO PARTICIPATED IN TOXIC EXPOSURE**  
20 **RISK ACTIVITIES.**

21 (a) STUDY.—The Secretary of Veterans Affairs shall  
22 conduct a study on the feasibility and advisability of fur-  
23 nishing hospital care and medical services to qualifying de-  
24 pendants of veterans described in section 1710(e)(1)(G)  
25 of title 38, United States Code, as added by section  
26 103(a)(1), for any illness determined by the Secretary to

1 be connected to a toxic exposure risk activity carried out  
2 by the veteran, as determined by the Secretary, notwith-  
3 standing that there is insufficient medical evidence to con-  
4 clude that such illness is attributable to such activity.

5 (b) ELEMENTS.—The study under subsection (a)  
6 shall include—

7 (1) an assessment of the impact of furnishing  
8 hospital care and medical services to qualifying de-  
9 pendents as described in such subsection on the abil-  
10 ity of the Department of Veterans Affairs to furnish  
11 hospital care and medical services to veterans;

12 (2) an assessment of the potential cost of fur-  
13 nishing hospital care and medical services to quali-  
14 fying dependents as described in such subsection;

15 (3) an estimate of the resources required to fur-  
16 nish such care and services;

17 (4) an assessment of any stress or other effect  
18 furnishing such care and services would have on the  
19 claims and appeals system of the Department;

20 (5) an estimate of the number of qualifying de-  
21 pendents who would be eligible for such care and  
22 services; and

23 (6) an assessment of the feasibility of adjudi-  
24 cating claims for such care and services.

1 (c) PHASED-IN APPLICATION.—In conducting the  
2 study under subsection (a), the Secretary shall assess the  
3 feasibility and advisability of phasing in the furnishing of  
4 hospital care and medical services to qualifying depend-  
5 ents described in such subsection by the decade in which  
6 such toxic exposure risk activity occurred, starting with  
7 the most recent decade.

8 (d) REVIEW OF TOXIC EXPOSURE CASES REGARDING  
9 LIABILITY OF DEPARTMENT OF DEFENSE.—In con-  
10 ducting the study under subsection (a), the Secretary  
11 shall—

12 (1) review known cases of toxic exposure on  
13 military installations of the Department of Defense  
14 located in the United States;

15 (2) analyze the liability of the Department of  
16 Defense in each such case; and

17 (3) assess whether the Secretary of Defense  
18 should provide care and services relating to such  
19 toxic exposures under the TRICARE program.

20 (e) REPORT.—Not later than two years after the date  
21 of the enactment of this Act, the Secretary shall submit  
22 to Congress a report on the study conducted under sub-  
23 section (a).

24 (f) DEFINITIONS.—In this section:

1           (1) The terms “hospital care” and “medical  
2 services” have the meanings given those terms in  
3 section 1701 of title 38, United States Code.

4           (2) The term “illness” has the meaning given  
5 that term in section 1171 of such title, as added by  
6 section 202.

7           (3) The term “qualifying dependent” means—

8           (A) a dependent of a veteran described in  
9 section 1710(e)(1)(G) of title 38, United States  
10 Code, as added by section 103(a)(1), who re-  
11 sided with the veteran during the period in  
12 which, and on the installation at which, the vet-  
13 eran participated in a toxic exposure risk activ-  
14 ity;

15           (B) an individual who was in utero of such  
16 a veteran or other qualifying dependent when  
17 the veteran participated in a toxic exposure risk  
18 activity; or

19           (C) a dependent of such a veteran who is  
20 not described in subparagraph (A) or (B) but  
21 who may have an illness that is connected to  
22 the toxic exposure risk activity of the veteran,  
23 as determined by the Secretary.

1           (4) The term “toxic exposure” has the meaning  
2 given that term in section 101 of such title, as  
3 added by section 102(b).

4           (5) The term “toxic exposure risk activity” has  
5 the meaning given that term in section 1710(e)(4)  
6 of such title, as added by section 103(a)(3).

7           (6) The term “TRICARE program” has the  
8 meaning given that term in section 1072 of such  
9 title.

10 **TITLE VI—IMPROVEMENT OF RE-**  
11 **SOURCES AND TRAINING RE-**  
12 **GARDING TOXIC EXPOSED**  
13 **VETERANS**

14 **SEC. 601. SHORT TITLE; DEFINITIONS.**

15       (a) **SHORT TITLE.**—This title may be cited as the  
16 “Toxic Exposure in the American Military Act” or the  
17 “TEAM Act”.

18       (b) **DEFINITIONS.**—In this title, the terms “active  
19 military, naval, or air service”, “toxic exposure”, and  
20 “toxic exposed veteran” have the meanings given those  
21 terms in section 101 of title 38, United States Code.

1 **SEC. 602. PUBLICATION OF LIST OF RESOURCES OF DE-**  
2 **PARTMENT OF VETERANS AFFAIRS FOR**  
3 **TOXIC EXPOSED VETERANS AND OUTREACH**  
4 **PROGRAM FOR SUCH VETERANS AND CARE-**  
5 **GIVERS AND SURVIVORS OF SUCH VETERANS.**

6 (a) PUBLICATION OF LIST OF RESOURCES.—

7 (1) IN GENERAL.—Not later than one year  
8 after the date of the enactment of this Act, and an-  
9 nually thereafter, the Secretary of Veterans Affairs  
10 shall publish a list of resources of the Department  
11 of Veterans Affairs for—

12 (A) toxic exposed veterans, including with  
13 respect to—

14 (i) disability compensation under  
15 chapter 11 of title 38, United States Code;  
16 and

17 (ii) hospital care, medical services,  
18 and nursing home care under section  
19 1710(a)(2)(F) of such title;

20 (B) caregivers of toxic exposed veterans  
21 who are participating in the program of com-  
22 prehensive assistance for family caregivers  
23 under section 1720G(a) of such title; and

24 (C) survivors of toxic exposed veterans who  
25 are receiving death benefits under the laws ad-  
26 ministered by the Secretary.

1           (2) UPDATE.—The Secretary shall periodically  
2           update the list published under paragraph (1).

3           (b) OUTREACH.—The Secretary shall develop, with  
4           input from the community, an informative outreach pro-  
5           gram for veterans on illnesses that may be related to toxic  
6           exposure, including outreach with respect to benefits and  
7           support programs.

8   **SEC. 603. INCORPORATION OF TOXIC EXPOSURE QUES-**  
9                           **TIONNAIRE DURING PRIMARY CARE AP-**  
10                           **POINTMENTS.**

11          (a) IN GENERAL.—The Secretary of Veterans Affairs  
12          shall incorporate a clinical questionnaire to help determine  
13          potential toxic exposures during active military, naval, or  
14          air service as part of the initial screening conducted for  
15          an appointment of a veteran with a primary care provider  
16          of the Department of Veterans Affairs to improve under-  
17          standing by the Department of toxic exposures of veterans  
18          while serving in the Armed Forces.

19          (b) DETERMINATION OF QUESTIONS.—The questions  
20          included in the questionnaire required under subsection  
21          (a) shall be determined by the Secretary with input from  
22          medical professionals.

1 **SEC. 604. TRAINING FOR PERSONNEL OF THE DEPART-**  
2 **MENT OF VETERANS AFFAIRS WITH RESPECT**  
3 **TO TOXIC EXPOSED VETERANS.**

4 (a) HEALTH CARE PERSONNEL.—The Secretary of  
5 Veterans Affairs shall provide to health care personnel of  
6 the Department of Veterans Affairs education and train-  
7 ing to identify, treat, and assess the impact on toxic ex-  
8 posed veterans of illnesses related to toxic exposure and  
9 inform such personnel of how to ask for additional infor-  
10 mation from veterans regarding different toxic exposures.

11 (b) BENEFITS PERSONNEL.—

12 (1) STANDARD CLAIMS PROCESSOR TRAINING  
13 CURRICULUM.—

14 (A) CURRICULUM.—Not later than 180  
15 days after the date of the enactment of this  
16 Act, the Secretary shall establish a standard  
17 training curriculum for processors of claims  
18 under the laws administered by the Secretary  
19 who review claims for disability benefits relating  
20 to service-connected disabilities based on toxic  
21 exposure, including employees who adjudicate  
22 such claims.

23 (B) MATTERS INCLUDED.—The Secretary  
24 shall ensure that the training under subpara-  
25 graph (A) includes the following explanations

1 with respect to claims relating to toxic expo-  
2 sure:

3 (i) A lack of a presumption of service  
4 connection is not by itself sufficient to de-  
5 termine that service connection does not  
6 exist.

7 (ii) The claims adjudicator shall al-  
8 ways consider whether direct service con-  
9 nection is applicable and request, as need-  
10 ed, an advisory medical opinion pursuant  
11 to section 1168 of title 38, United States  
12 Code, as added by section 303.

13 (iii) The claims adjudicator shall al-  
14 ways review and consider the Individual  
15 Longitudinal Exposure Record program of  
16 the Department of Veterans Affairs pursu-  
17 ant to section 1119 of such title, as added  
18 by section 302, but a lack of such informa-  
19 tion is not by itself sufficient to determine  
20 that such exposure did not occur or suffi-  
21 cient to deny the claim.

22 (C) PROVISION OF TRAINING.—The Sec-  
23 retary shall—

24 (i) provide training under subpara-  
25 graph (A) to each employee described in

1           such subparagraph not less frequently than  
2           annually; and

3                   (ii) using the Systematic Technical  
4           Accuracy Review program, or such suc-  
5           cessor program, conduct a nationwide,  
6           quarterly, randomized review of the quality  
7           of adjudication of claims relating to toxic  
8           exposure.

9           (2) STANDARD MEDICAL EXAMINER TRAINING  
10          CURRICULUM.—

11                   (A) CURRICULUM.—Not later than 180  
12          days after the date of the enactment of this  
13          Act, the Secretary shall establish a standard  
14          medical training curriculum for medical pro-  
15          viders who conduct examinations and provide  
16          opinions pursuant to section 1168 of title 38,  
17          United States Code, as added by section 303,  
18          regardless of whether the provider is an em-  
19          ployee of the Department or a contractor.

20                   (B) STANDARDIZED APPROACH.—The Sec-  
21          retary shall ensure that the curriculum estab-  
22          lished under subparagraph (A)—

23                           (i) provides a standardized approach  
24          to conducting and providing examinations

1 and opinions in accordance with such sec-  
2 tion 1168; and

3 (ii) instructs medical providers to con-  
4 sider, when conducting an examination or  
5 providing an opinion—

6 (I) relevant medical and scientific  
7 literature;

8 (II) the proximity, intensity, and  
9 frequency of exposure of the indi-  
10 vidual to the identified toxic exposure;

11 (III) medically unexplained  
12 chronic multisymptom illnesses; and

13 (IV) all competent and credible  
14 evidence of record.

15 **TITLE VII—REGISTRIES,**  
16 **RECORDS, AND OTHER MATTERS**

17 **SEC. 701. REGISTRY OF INDIVIDUALS EXPOSED TO PER-**  
18 **AND POLYFLUOROALKYL SUBSTANCES ON**  
19 **MILITARY INSTALLATIONS.**

20 (a) ESTABLISHMENT OF REGISTRY.—

21 (1) IN GENERAL.—Not later than one year  
22 after the date of the enactment of this Act, the Sec-  
23 retary of Veterans Affairs shall—

24 (A) establish and maintain a registry for  
25 eligible individuals who may have been exposed

1 to per- and polyfluoroalkyl substances (in this  
2 section referred to as “PFAS”) due to the envi-  
3 ronmental release of aqueous film-forming foam  
4 (in this section referred to as “AFFF”) on mili-  
5 tary installations to meet the requirements of  
6 military specification MIL-F-24385F;

7 (B) include any information in such reg-  
8 istry that the Secretary determines necessary to  
9 ascertain and monitor the health effects of the  
10 exposure of members of the Armed Forces to  
11 PFAS associated with AFFF;

12 (C) develop a public information campaign  
13 to inform eligible individuals about the registry,  
14 including how to register and the benefits of  
15 registering; and

16 (D) periodically notify eligible individuals  
17 of significant developments in the study and  
18 treatment of conditions associated with expo-  
19 sure to PFAS.

20 (2) COORDINATION.—The Secretary of Vet-  
21 erans Affairs shall coordinate with the Secretary of  
22 Defense in carrying out paragraph (1).

23 (b) REPORTS.—

24 (1) INITIAL REPORT.—Not later than two years  
25 after the date on which the registry under subsection

1 (a) is established, the Secretary of Veterans Affairs  
2 shall submit to Congress an initial report containing  
3 the following:

4 (A) An assessment of the effectiveness of  
5 actions taken by the Secretary of Veterans Af-  
6 fairs and the Secretary of Defense to collect  
7 and maintain information on the health effects  
8 of exposure to PFAS.

9 (B) Recommendations to improve the col-  
10 lection and maintenance of such information.

11 (C) Using established and previously pub-  
12 lished epidemiological studies, recommendations  
13 regarding the most effective and prudent means  
14 of addressing the medical needs of eligible indi-  
15 viduals with respect to exposure to PFAS.

16 (2) FOLLOWUP REPORT.—Not later than five  
17 years after submitting the initial report under para-  
18 graph (1), the Secretary of Veterans Affairs shall  
19 submit to Congress a followup report containing the  
20 following:

21 (A) An update to the initial report sub-  
22 mitted under paragraph (1).

23 (B) An assessment of whether and to what  
24 degree the content of the registry established

1           under subsection (a) is current and scientif-  
2           ically up to date.

3           (3) INDEPENDENT SCIENTIFIC ORGANIZA-  
4           TION.—The Secretary of Veterans Affairs shall enter  
5           into an agreement with an independent scientific or-  
6           ganization to prepare the reports under paragraphs  
7           (1) and (2).

8           (c) RECOMMENDATIONS FOR ADDITIONAL EXPO-  
9           SURES TO BE INCLUDED.—Not later than five years after  
10          the date of the enactment of this Act, and every five years  
11          thereafter, the Secretary of Veterans Affairs, in consulta-  
12          tion with the Secretary of Defense and the Administrator  
13          of the Environmental Protection Agency, shall submit to  
14          Congress recommendations for additional chemicals with  
15          respect to which individuals exposed to such chemicals  
16          should be included in the registry established under sub-  
17          section (a).

18          (d) ELIGIBLE INDIVIDUAL DEFINED.—In this sec-  
19          tion, the term “eligible individual” means any individual  
20          who, on or after a date specified by the Secretary of Vet-  
21          erans Affairs through regulations, served or is serving in  
22          the Armed Forces at a military installation where AFFF  
23          was used or at another location of the Department of De-  
24          fense where AFFF was used.

1 **SEC. 702. FORT MCCLELLAN HEALTH REGISTRY.**

2 (a) ESTABLISHMENT.—The Secretary of Veterans  
3 Affairs shall establish and maintain a special record to be  
4 known as the Fort McClellan Health Registry (in this sec-  
5 tion referred to as the “Registry”).

6 (b) CONTENTS.—Except as provided in subsection  
7 (c), the Registry shall include the following information:

8 (1) A list containing the name of each indi-  
9 vidual who, while serving as a member of the Armed  
10 Forces, was stationed at Fort McClellan, Alabama,  
11 at any time during the period beginning January 1,  
12 1935, and ending on May 20, 1999, and who—

13 (A) applies for care or services from the  
14 Department of Veterans Affairs under chapter  
15 17 of title 38, United States Code;

16 (B) files a claim for compensation under  
17 chapter 11 of such title on the basis of any dis-  
18 ability which may be associated with such serv-  
19 ice;

20 (C) dies and is survived by a spouse, child,  
21 or parent who files a claim for dependency and  
22 indemnity compensation under chapter 13 of  
23 such title on the basis of such service;

24 (D) requests from the Secretary a health  
25 examination under subsection (d); or

1 (E) receives from the Secretary a health  
2 examination similar to the health examination  
3 referred to in subparagraph (D) and requests  
4 inclusion in the Registry.

5 (2) Relevant medical data relating to the health  
6 status of, and other information that the Secretary  
7 considers relevant and appropriate with respect to,  
8 each individual described in paragraph (1) who—

9 (A) grants to the Secretary permission to  
10 include such information in the Registry; or

11 (B) at the time the individual is listed in  
12 the Registry, is deceased.

13 (c) INDIVIDUALS SUBMITTING CLAIMS OR MAKING  
14 REQUESTS BEFORE DATE OF ENACTMENT.—If in the  
15 case of an individual described in subsection (b)(1) the  
16 application, claim, or request referred to in such sub-  
17 section was submitted, filed, or made before the date of  
18 the enactment of this Act, the Secretary shall, to the ex-  
19 tent feasible, include in the Registry such individual's  
20 name and the data and information, if any, described in  
21 subsection (b)(2) relating to the individual.

22 (d) EXAMINATIONS.—Upon the request of a veteran  
23 who was stationed at Fort McClellan, Alabama, at any  
24 time during the period beginning January 1, 1935, and  
25 ending on May 20, 1999, the Secretary shall provide the

1 veteran with a health examination (including any appro-  
2 priate diagnostic tests) and consultation and counseling  
3 with respect to the results of the examination and the  
4 tests.

5 (e) OUTREACH.—

6 (1) ONGOING OUTREACH TO INDIVIDUALS LIST-  
7 ED IN REGISTRY.—The Secretary shall, from time to  
8 time, notify individuals listed in the Registry of sig-  
9 nificant developments in research on the health con-  
10 sequences of potential exposure to a toxic substance  
11 or environmental hazard related to service at Fort  
12 McClellan.

13 (2) EXAMINATION OUTREACH.—The Secretary  
14 shall carry out appropriate outreach activities with  
15 respect to the provision of any health examinations  
16 (including any diagnostic tests) and consultation and  
17 counseling services under subsection (d).

18 (f) CONSULTATION.—The Secretary of Veterans Af-  
19 fairs shall consult with the Secretary of Defense to acquire  
20 information maintained by the Secretary of Defense that  
21 the Secretary of Veterans Affairs considers necessary to  
22 establish and maintain the Registry.

1 **SEC. 703. INDEPENDENT STUDY ON INDIVIDUAL LONGITU-**  
2 **DINAL EXPOSURE RECORD.**

3 (a) IN GENERAL.—Not later than 60 days after the  
4 date of the enactment of this Act, the Secretary of Defense  
5 shall enter into a contract with an independent research  
6 entity described in subsection (b) to carry out a com-  
7 prehensive study of the development of the Individual Lon-  
8 gitudinal Exposure Record to determine—

9 (1) the quality of the location data, occupa-  
10 tional and environmental exposure data, and health  
11 surveillance data; and

12 (2) whether a member of the Armed Forces can  
13 be reasonably assured that any toxic exposure they  
14 experience during service in the Armed Forces will  
15 be accurately reflected in the Individual Longitu-  
16 dinal Exposure Record of the member.

17 (b) INDEPENDENT RESEARCH ENTITY.—The entity  
18 described in this subsection is an independent research en-  
19 tity that is a not-for-profit entity or a federally funded  
20 research and development center with appropriate exper-  
21 tise and analytical capability to carry out the study re-  
22 quired under subsection (a).

23 (c) TOXIC EXPOSURE DEFINED.—In this section, the  
24 term “toxic exposure” has the meaning given that term  
25 in section 101(37) of title 38, United States Code, as  
26 added by section 102(b).

1 **SEC. 704. BIENNIAL REPORT ON INDIVIDUAL LONGITU-**  
2 **DINAL EXPOSURE RECORD.**

3 (a) IN GENERAL.—Not later than one year after the  
4 date on which the Individual Longitudinal Exposure  
5 Record achieves full operation capability, as determined  
6 by the Secretary of Defense, and every 180 days there-  
7 after, the Secretary shall, in consultation with the Sec-  
8 retary of Veterans Affairs, submit to the appropriate com-  
9 mittees of Congress a report on the data quality of the  
10 databases of the Department of Defense that provide the  
11 information presented in the Individual Longitudinal Ex-  
12 posure Record and the usefulness of the Individual Longi-  
13 tudinal Exposure Record in supporting members of the  
14 Armed Forces and veterans in receiving health care and  
15 benefits from the Department of Defense and the Depart-  
16 ment of Veterans Affairs.

17 (b) ELEMENTS.—Each report required by subsection  
18 (a) shall include, for the period covered by the report, the  
19 following:

20 (1) An identification of toxic exposure events  
21 that may not be fully captured by the current sys-  
22 tems of the Department of Defense for environ-  
23 mental, occupational, and health monitoring, and  
24 recommendations for how to improve those systems.

25 (2) An analysis of the quality of the location  
26 data used by the Department of Defense in deter-

1 mining toxic exposures of members of the Armed  
2 Forces and veterans, and recommendations for how  
3 to improve the quality of that location data if nec-  
4 essary.

5 (c) DEFINITIONS.—In this section:

6 (1) APPROPRIATE COMMITTEES OF CON-  
7 GRESS.—The term “appropriate committees of Con-  
8 gress” means—

9 (A) the Committee on Armed Services and  
10 the Committee on Veterans’ Affairs of the Sen-  
11 ate; and

12 (B) the Committee on Armed Services and  
13 the Committee on Veterans’ Affairs of the  
14 House of Representatives.

15 (2) TOXIC EXPOSURE.—The term “toxic expo-  
16 sure” has the meaning given that term in section  
17 101(37) of title 38, United States Code, as added by  
18 section 102(b).

19 **SEC. 705. CORRECTION BY MEMBERS OF THE ARMED**  
20 **FORCES OF EXPOSURE RECORDS.**

21 (a) IN GENERAL.—The Secretary of Defense and the  
22 Secretary of Veterans Affairs shall provide a means for  
23 members of the Armed Forces and veterans to update  
24 their records as necessary to reflect a toxic exposure by

1 such member or veteran in the Individual Longitudinal  
2 Exposure Record.

3 (b) EVIDENCE.—In order to update a record under  
4 subsection (a), a member of the Armed Forces or veteran,  
5 as the case may be, shall provide such evidence as the Sec-  
6 retary of Defense and the Secretary of Veterans Affairs  
7 jointly consider necessary.

8 (c) TOXIC EXPOSURE DEFINED.—In this section, the  
9 term “toxic exposure” has the meaning given that term  
10 in section 101(37) of title 38, United States Code, as  
11 added by section 102(b).